

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADAMA SOW, DAVID JAKLEVIC, ALEXANDRA DE MUCHA PINO, OSCAR RIOS, BARBARA ROSS, MATTHEW BREDDER, SABRINA ZURKUHLEN, MARIA SALAZAR, DARA PLUCHINO, and SAVITRI DURKEE, *on behalf of themselves and others similarly situated*,

Plaintiffs,

- against -

CITY OF NEW YORK; MAYOR BILL DE BLASIO; NEW YORK CITY POLICE DEPARTMENT COMMISSIONER DERMOT SHEA; NEW YORK CITY POLICE DEPARTMENT CHIEF OF DEPARTMENT TERENCE MONAHAN; NYPD DETECTIVE EDWARD CARRASCO (SHIELD NO. 1567); NYPD OFFICER TALHA AHMAD (SHIELD NO. 21358); NYPD OFFICER KEVIN AGRO (SHIELD NO. 8054); and NYPD OFFICERS JOHN and JANE DOES # 1- 40,

21 Civ. 0533 (CM)(GWG)

Defendants.

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CONFIDENTIALITY STIPULATION AND ORDER CONCERNING THE
ADMINISTRATION OF CLASS ACTION SETTLEMENT

WHEREAS, the Parties intend to file a Stipulation of Settlement and Order on or before July 19, 2023 (“Settlement Stipulation”), setting forth the terms and conditions for a proposed class settlement, requesting preliminary approval of the proposed Class Action Settlement, and appointing Rust Consulting, Inc. as Claims Administrator; and

WHEREAS, the Settlement Stipulation, provides that “the Parties will submit to the Court a proposed confidentiality order related to the release of [personal identifying information about the Class Members] to the Claims Administrator,” Class Counsel, and certain relevant City agencies; and

WHEREAS, for purposes of disseminating notice to members of the Settlement Class pursuant to Rule 23(c)(2)(B) of the Federal Rules of Civil Procedure, and to properly administer the Class, the Parties and the Claims Administrator will need access to information maintained by the New York City Police Department (“NYPD”) and certain other City agencies, including information from relevant records that may be protected by federal, state and local laws, including 5 U.S.C. § 552a, F.R.C.P. 5.2, and N.Y. C.P.L. §§ 160.50 and 160.55, 720.15, and/or 720.35 and which cannot be disclosed without appropriate authority; and

WHEREAS, any and all information to be provided to the Claims Administrator, Class Counsel, and certain relevant City agencies as part of the claims administration process described in the Settlement Stipulation shall be kept confidential and will not be disclosed to anyone except as described herein; and

WHEREAS, Plaintiffs also desire to share drafts of the motion for preliminary approval of a class action and all supporting papers, including the Short form notice, Long form notice, and the Settlement Stipulation with Rust Consulting, Inc., proposed Class Administrator, for review in order to ensure accuracy of the claims administration process.

NOW, IT IS HEREBY STIPULATED, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

(a) The Parties are authorized to provide the Class Administrator with the information required to comply with the terms and responsibilities set forth in the Settlement Stipulation. This includes, and is not limited to, the information described in paragraph 51 of the Settlement Stipulation, and the full names, aliases (if known), Social Security Numbers (when appropriate), dates of birth, summons numbers, arrest numbers, NYSID numbers and last known addresses of Class Member.

(b) Any information provided to the Claims Administrator solely for purposes of

administering the settlement in this Action shall remain confidential. Further, this information may not be disclosed to anyone except Class Counsel, Defendants' Counsel, certain City agencies (including but not limited to, NYPD, Human Resources Administration ("HRA"), Department of Finance, and the Comptroller's Office), the Claims Administrator, and, if necessary, the Court (with an application to file under seal). Class Counsel and the Administrator shall not disclose this information to any person not a member of their staff and only when necessary to facilitate the terms and conditions of this Confidentiality Stipulation; however, Class Counsel and the Claims Administrator may, if necessary, disclose confidential information concerning a Class Member to that Class Member.

(c) The records in the possession of the NYPD and produced in discovery to Class Counsel, pertaining to members of the Settlement Class, and that are sealed pursuant to the provisions of U.S.C. § 552a, F.R.C.P. 5.2, and N.Y.C.P.L §§ 160.50, 160.55, 160.58, 720.15, and/or 720.35, are hereby unsealed for the limited purpose of allowing the Parties to transmit any identifying information pertaining to members of the Settlement Class contained in the sealed records as described herein.

(d) Plaintiffs will provide Rust Consulting, Inc. with draft versions of the motion for preliminary approval of a class action and all supporting papers, including the Short form notice, Long form notice, and Settlement Stipulation solely for the purpose of reviewing in order to ensure the accuracy of the claims administration process;

(e) Before any disclosure is made to Rust Consulting, Inc., including any of the information described in this Confidentiality Stipulation and the draft settlement documents, Class Counsel shall provide each such person with a copy of this Confidentiality Stipulation for review, and such person shall consent in writing, using the form annexed hereto as Exhibit A, not to use the Confidential Material for any purpose other than described herein. Class Counsel shall retain the signed consent

form from each person and immediately furnish copies to Defendants' attorney, and

(f) This Confidentiality Stipulation shall be binding immediately upon signature and shall be submitted to the Court for entry as an Order.

Date: July 18, 2023
New York, New York

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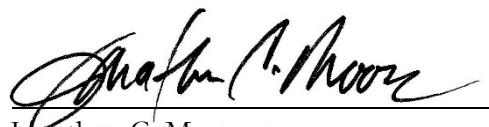
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By:



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SO ORDERED

HON. COLLEEN MCMAHON

Dated: _____

EXHIBIT A

The undersigned hereby acknowledges that s/he has read the Confidentiality Stipulation and Order Concerning The Administration of Class Action Settlement dated July 18, 2023 (“Confidentiality Stipulation”), entered into the Action entitled, *Adama Sow et al. v. City of New York, et al.*, 21cv0533 (CM)(GWG) and understands the terms thereof. The undersigned agrees not to use the Confidential Material defined therein, or the contents thereof, for any purpose other than described in the Confidentiality Stipulation, and will not further disclose the Confidential Material or the contents thereof.

Date: 07/18/2023

Signature: 

Print Name: Kristen Stallings

Occupation: Director